

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



BRANDON M. JENNINGS,  
#65213-056/#9965858,

**Petitioner,**

v.

**ACTION NO. 2:20cv90**

**U.S. OF AMERICA, et al.**

**Respondents.**

**FINAL ORDER**

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Petitioner challenges an allegedly unlawful delay between his conviction and sentence in the United States District Court for the Eastern District of North Carolina. At the time of the filing of the Petition, Petitioner was incarcerated at Piedmont Regional Jail in Farmville, Virginia. Thereafter, he was relocated to FCI McDowell Federal Correctional Institution in Welch, West Virginia.

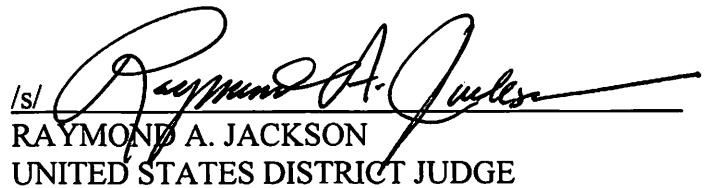
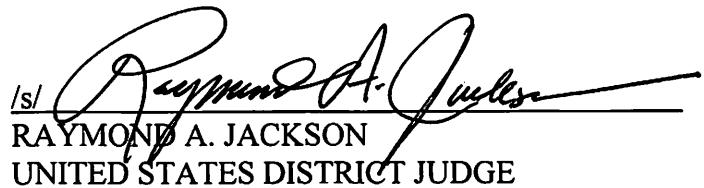
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the Magistrate Judge was filed on September 22, 2020 recommending dismissal of the petition, without prejudice for lack of jurisdiction. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation and the time for filing objections has now expired.

Accordingly, the court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed September 22, 2020, and it is, therefore ORDERED that Respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED and DISMISSED without prejudice for lack of jurisdiction. It is further ORDERED that Petitioner's various requests for ancillary relief, including his two Motions for Bail (ECF Nos. 16 and 18), three Motions for Preliminary Injunction (ECF Nos. 19, 20 and 24) and Motion for Supplemental Pleading (ECF No. 26) be DISMISSED.

Finding that the basis for dismissal of Petitioner's § 2241 petition is not debatable, and alternatively finding that Petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is DENIED. 28 U.S.C. § 2253(c); see Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); Miller-El v. Cockrell, 537 U.S. 322, 335–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–85 (2000).

Petitioner is ADVISED that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so within sixty (60) days from the date of this Order. Petitioner may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Petitioner at FCI McDowell Federal Correctional Institution and provide an electronic copy of the Final Order to counsel of record for Respondent.

  
/s/   
RAYMOND A. JACKSON  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

October 30, 2020